

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO.536 OF 1989

Arvind Mohanlal Shah and Anr. Appellants
Versus
M/s.Vasantlal M.Shah & Co. & Anr.. ..Respondents
Mr.V.B.Rajure for appellants
None for respondents

CORAM : P.V.KAKADE, J.
DATE : 24TH AUGUST, 2005.

P.C.:

1. Heard the learned counsel for the appellants.
None appears for the respondents.

2. The learned counsel for the appellants state that the respondents have constructed new wall abutting the suit wall pending the appeal. In view of this subsequent event of construction of new wall by the respondents abutting the suit wall the prayer of mandatory injunction has become infructuous and therefore, the appeal is disposed of as has become infructuous with liberty. It is made clear that the decree of declaration of ownership of suit wall of the

trial court, which is confirmed in Appeal by the appellate court is not impugned in this appeal. The appeal accordingly disposed of as has become infructuous with liberty with no order as to costs.